IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

WP(C).No. 25992 of 2003(T)

PETITIONER:

T.O.CHACKO, S/O.LATE JOSEPH,
THUNDIYIL HOUSE, ERAVIPEROOR, THIRUVALLA,
PATHANAMTHITTA (FORMER MANAGER, THIRUVALLA
CO-OPERATIVE BANK LTD)

BY ADV. SRI.S.SUBHASH CHAND

RESPONDENTS:

1. **REGIONAL PROVIDENT FUND COMMISSIONER,**
   OFFICE OF THE EMPLOYEES PROVIDENT FUND,
   PATTOM, THIRUVANANTHAPURAM.

2. **KERALA STATE CO-OPERATIVE EMPLOYEES**
   PENSION BOARD, TC.NO.23/2781 RAJASREE,
   CHETTIKULANGARA, THIRUVANANTHAPURAM
   REPRESENTED BY ITS SECRETARY.

3. **THIRUVALLA EAST CO-OPERATIVE BANK LTD.,**
   NO.3260 ERAVIPEROOR REPRESENTED BY ITS GENERAL
   MANAGER.

***ADDL.R4 TO R6 ARE IMPLEADED:**

R4. M.D.SOMAKUMAR, DEPUTY GENERAL MANAGER,
THIRUVALLA EAST CO-OPERATIVE BANK LTD.,
NO.3260, ERAVIPEROOR.

..2/-

R5. V.A.CHERIYAN, MANAGER, THIRUVALLA EAST CO-OPERATIVE BANK LTD. 3260, ERAVIPEROOR.

R6. K.JAGADEESH, ACCOUNTANT, THIRUVALLA EAST CO-OPERATIVE BANK LTD. NO.3260, ERAVIPEROOR.

(*ADDL.R4 TO R6 ARE IMPLEADED AS PER ORDER DTD. 11/11/2003 IN I.A.NO.13750/2003)

*ADDL.R7 & R8 ARE IMPLEADED:

R7. STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT, DEPARTMENT OF CO-OPERATION, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

(*ADDL.R7 IS IMPLEADED AS PER ORDER DTD. 5/12/2003 IN I.A.NO.15612/2003)

R8. M.K.REGHUNATHAN, AGED 44 YEARS, S/O.KESAVAN NAIR, RESIDING AT MUTHURTHODETHIL, OTHERA, ERAVIPEROOR VILLAGE, THIRUVALLA TALUK, PATHANAMTHITTA.

(*ADDL.R8 IS IMPLEADED AS PER ORDER DTD. 13.03.2007 IN I.A.NO.715/07)

BY ADV. SRI.K.V.SOHAN
SMT.SREEJA SOHAN.K.
SRI.D.SOMASUNDARAM for Addl.R4 to R6
SRI.JOSE J.MATHAIKAL
SRI.N.N. SUGUNAPALAN, SC, P.F.
SRI.V.G.ARUN for R3
BY GOVERNMENT PLEADER SRI. MANOJKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.25992/2003 T

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE JUDGMENT DTD. 4/01/2002 PASSED BY THIS HON'BLE COURT IN WA.NO.1340/2001 (D).**

EXT.P2: **COPY OF COMMUNICATION DTD. 17/04/2002 ISSUED BY THE 3RD RESPONDENT BANK TO THE PETITIONER.**

EXT.P3: **COPY OF THE REPRESENTATION SUBMITTED BY PETITIONER TO 1ST RESPONDENT DTD. 20/05/2002 ALONG WITH PF FORM NO.19.**

EXT.P4: **COPY OF ORDER DTD. 26/11/2003 ISSUED BY THE 1ST RESPONDENT.**

EXT.P5: **COPY OF THE REPRESENTATION DTD. 30/11/2003 SUBMITTED BY THE PETITIONER BEFORE THE STATE OF KERALA.**

EXT.P6: **COPY OF THE JUDGMENT DTD. 17/03/2004 PASSED BY THIS HON'BLE COURT IN O.P.NO.13868/99.**

EXT.P7: **COPY OF THE NOTIFICATION BEARING G.O.(P) NO.99/95/ CO-OP. DTD. 16/06/1995.**

EXT.P8: **COPY OF THE NOTIFICATION BEARING SRO NO.486/06 DTD. 30/06/2006.**

1ST RESPONDENT'S EXHIBIT:

EXT.R1(A): **COPY OF THE LETTER TO THE PETITIONER DTD. 21/04/04.**

RESPONDENT'S ANNEXURE:

ANNEXURE 1: **COPY OF THE REPRESENTATION SUBMITTD BY BEFORE THE PRESIDENT AND BOARD OF DIRECTORS BY THE EMLOYEES OF THIRUVALLA EAST CO-OPERATIVE BANK LTD., ERAVIPEROOR.**

/TRUE COPY/

P.A.TO JUDGE

KSS

KURIAN JOSEPH, J.

W.P. (C). NO. 25992 OF 2003

Dated this the 19th day of July, 2007.

J U D G M E N T

The grievance is with regard to grant of pension under the Kerala Co-operative Societies Employees Self Financing Pension Scheme, 1994.

2. In view of Exhibit P8 Government Order, learned counsel for the third respondent-Bank submits that the Bank has no objection in considering the grievance of the petitioner in the light of Exhibit P8. It is not hence necessary to go into various other contentions.

This writ petition is disposed of directing the first respondent to take appropriate action for transferring the employer's share as far as the petitioner is concerned of the contribution to the Pension Board within a period of one month from the date of production of a copy of this judgment. Thereafter, Pension Board shall take appropriate action for disbursement of pension, along with third respondent within another two months.

KURIAN JOSEPH, JUDGE.

smp